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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,834	02/23/2004	Hans-Peter Braun	R.305009	5458

7590 10/18/2007
RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
Suite One
1423 Powhatan Street
Alexandria, VA 22314

EXAMINER

MILLER, CARL STUART

ART UNIT	PAPER NUMBER
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3747

MAIL DATE	DELIVERY MODE
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10/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/782,834
Filing Date: February 23, 2004
Appellant(s): BRAUN, HANS-PETER

MAILED

OCT 18 2007

Group 3700

Ronald Greigg
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/05/05 appealing from the Office action mailed 04/05/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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4,817,997

INGRAM

4-1989

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon in view of Ingram.

Bacon teaches a fuel pump connection (38) which includes a mounting area (54) including flexible undulations (68) which act to seal the pump inlet pipe (not shown). Cap (59) would correspond to applicant's shoulder (35) and it is clear from Figure 3 that the seal is cantilevered between the housing (50) and the cap (59). Note also that (54) is both a flat disc and a curved-shaped part (Claims 7 and 8).

Ingram teaches a fuel pump connection which shows an outlet pipe with recesses that mate with an elastic member. The outlet used on the pump is a typical outlet used to couple elastic pipes such as pipe (13) shown.

It would have been obvious to modify Bacon by constructing the outlet pipe as taught by Ingram because such pipes were commonly used to connect to elastic outlet hoses and would have worked equally well with the elastic seal of Bacon.

(10) Response to Argument

The Appellant's arguments center entirely around the reference Bacon in that Appellant asserts that the reference does not contain the elements of the claims and that the examiner is using the same element in the reference to meet several different elements of the claims. This is not the case.

The examiner has used the conduit formed by the sides of element (50) in Bacon as applicant's "mount conduit (25)" and has not attempted to use this particular element in any other way. The examiner has used element (59) of Bacon as applicant's "connection opening (31)" and has used the Bacon seal (54) as applicant's "mount element (41)". Thus, there should be no doubt that these elements of applicant's claims are individually present in Bacon and that element (50) is not being used three times as asserted in the applicant's arguments. Of course, Appellant may wish to respond that the mounting element in Bacon is not located in the connection opening as required by Claim 4, but an examination of the Appellant's Figure 3 shows that Appellant's mounting element (41) is actually slightly above his connection opening (31) and, more importantly, is less "in" the connection opening (31) than the mounting element (seal (54)) of Bacon. In particular, the identified mounting element (54) within Bacon is actually "in" element (59) (identified by the examiner as applicant's "connection opening") since the sides of that element clearly rise above the bottom of the seal (54). It should also be noted that

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Appellant is not claiming that the mounting element is totally contained within the connection opening and, as noted above, his disclosure would not support such a claim. Finally, Claim 4 also claims a “mount fitting (28)”, but an examination of Appellant’s disclosure indicates that this element is merely the exterior of the “mount conduit (25)” and, since the element (50) of Bacon has both an interior and an exterior surface as well, these elements are also present in Bacon.

Similar problems exist regarding Appellant’s “shoulder” arguments. With regard to the lower shoulder of the claims, this element is clearly shown in Bacon as the projection on element (59). This shoulder is clearly in what the examiner has identified as the “connection opening”. The upper shoulder in Bacon is element (57) which is a projection on element (50). The Appellant may wish to argue that the upper shoulder is not in the connection opening (as required by the claims), but the Appellant’s upper shoulder is also somewhat above the connection opening.

Lastly, Appellant asserts that the applied art does not teach having the mounting element engage the mounting groove of the outlet fitting in detent fashion. The secondary reference to Ingram however clearly teaches a pump outlet having the claimed grooves and engaging a line in this manner. Bacon also teaches a fitting (42) including grooves that are similar to the Ingram grooves. Thus, it would have been obvious to use this type of outlet fitting on the pump outlet of Bacon and have the seal of Bacon engage this fitting in a fluid-tight manner to avoid any fuel leakage.

(11) Related Proceeding(s) Appendix

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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

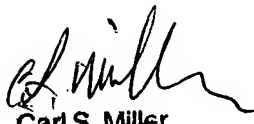
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Carl S. Miller/

Primary Examiner

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Carl S. Miller
Primary Examiner

Conferees:

Steven Cronin

Thomas Moulis

Marguerite McMahon


STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER

